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Hon. Lorna G. Schofield, U.S.D.J.
Southern District of New York

re: 10-CV-3959 *Kriss v. Bayrock*

**Request for a Three Hour Enlargement of Time
To File a Response to ECF 118**

***Ex Parte* pursuant to FRCP 6**

Dear Judge Schofield:

We request an enlargement of time from 12.00pm until 3.00pm in which to file pursuant to your honor's order, ECF 118, issued yesterday.

PACER records will confirm that we first downloaded the order at or about 5.10pm yesterday, less than an hour after it was uploaded and less than a half hour after we first saw email notice of it.

While it would seem trivial to comply with it, that is in fact hardly the case. As will be immediately obvious from the three-page letter motion accompanying our affidavit upload – a letter motion **your own Individual Rules require** – the order raises very serious issues of constitutional dimension which we cannot risk being deemed to have waived or forfeited and which will take more time to explain here in this request than is warranted as they will follow shortly.

As part of the problem, we have insisted on consultation with our clients in this issue, and have obtained such from Mr. Kriss but have as yet been unable to reach Mr. Ejekam, who resides in Nigeria and is apparently traveling between Lagos and Bogota from our last communication with him two days ago. We have also not been able to obtain complete counsel review as our primary counsel in the matter is in court this morning and will not be available before noon.

Good cause shown, we request the enlargement, which, respectfully, can hardly be prejudicial and certainly not in comparison with the issues implicated.

Respectfully submitted,

/s/ Frederick M. Oberlander

/s/ Richard E. Lerner